

Message Text

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ORIGIN ARA-10

INFO OCT-01 ISO-00 DLOS-03 PM-03 L-02 OES-03 CG-00 DOTE-00

COA-01 RSC-01 /024 R

DRAFTED BY ARA/MEX:JFKEANE:MEM

APPROVED BY ARA/MEX:JTDREYFUSS

D/LOS:OESKIN (DRAFT)

DOD/ISA:CAPT.GOODEN (DRAFT)

PM/ISO:MPASZTALANIEC (DRAFT)

L/OES:TLEITZELL (DRAFT)

ARA/LA:GBROWN (DRAFT)

USCG:COMMDR.LYNN (DRAFT)

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R 241722Z DEC 74

FM SECSTATE WASHDC

TO AMEMBASSY MEXICO

C O N F I D E N T I A L STATE 280948

E.O. 11652: GDS

TAGS: EFIS, PLOS, OCLR, PBOR, MX

SUBJECT: OVERFLIGHT/LANDING CLEARANCES FOR USCG AIRCRAFT
FOR IATTC ENFORCEMENT AND FOR SEARCH AND RESCUE;
TERRITORIAL WATERS

REF: (A) USDAO MEXICO CITY 171600Z OCT 74 TO COMPACAREA

- (B) COMPACAREA SFRANCISCO 162131Z OCT 14 TO COMDT

COGARD (PASEP)

(C) STATE 258246

1. BACKGROUND INFORMATION, CONCLUSIONS AND QUESTIONS
RAISED DURING MEETING MENTIONED IN REF(C) FOLLOW. EMBASSY
INVITED TO RESPOND.

2. USG POSITION ON MEXICAN CLAIM TO 12 MILE TERRITORIAL SEA
IS DISCUSSED IN REF(C). HOWEVER, LAST INCIDENT, WHICH
MEXICANS BELIEVE WAS A VIOLATION OF THEIR TERRITORIAL SEA
(MEXICO 8605), WAS, IN FACT, A MISUNDERSTANDING. THE
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FACTS OF THE SITUATION (WHICH FOLLOW) MAY BE OF USE TO

EMBASSY SHOULD A SUITABLE OCCASION ARISE TO SET FORTH NATURE OF MISUNDERSTANDING. WHILE IN AREA IN CONNECTION WITH A NARCOTICS PATROL, DURABLE DISCOVERED THAT ITS NAVIGATIONAL CALCULATIONS WERE INACCURATE AND PROCEEDED TO TAKE A FIX TO DETERMINE ITS TRUE POSITION. AT THAT POINT, DURABLE NOTICED MEXICAN VESSEL AT SOME DISTANCE.

NO SIGNAL OR COMMUNICATION OF ANY KIND WAS RECEIVED FROM MEXICAN VESSEL. IT GAVE APPEARANCE, HOWEVER, OF PERHAPS WISHING TO COMMUNICATE. FOR THIS REASON DURABLE REDUCED ITS SPEED TO BARE STEERAGEWAY TO PERMIT MEXICAN VESSEL TO COME CLOSE ABOARD (INASMUCH AS IT SEEMED UNABLE TO COMMUNICATE). MEXICAN VESSEL, HOWEVER, DID NOT COME SIGNIFICANTLY CLOSER AND IN DUE COURSE SAILED AWAY. DURABLE, HAVING DETERMINED ITS POSITION, RESUMED ITS VOYAGE.

3. IT IS RECOGNIZED THAT IT WOULD BE DESIRABLE AND BENEFICIAL TO ACHIEVE A GREATER DEGREE OF COOPERATION BETWEEN THE USCG AND MEXICAN NAVY IN THE CASE OF SIMILAR NARCOTICS PATROL AND SEARCH AND RESCUE (SAR) MISSIONS IN THE FUTURE. ACCORDINGLY, USCG PLANS KEEP USDAO INFORMED OF SIMILAR OPERATIONS IN THE FUTURE SO THAT HE MAY BETTER RESPOND TO INQUIRIES FROM THE MEXICAN NAVY. HOWEVER, IN NO CASE IS THE USDAO TO VOLUNTARILY NOTIFY THE GOVERNMENT OF MEXICO OR MEXICAN NAVY OF USCG OPERATIONS WHICH MAY TAKE PLACE IN THE AREA BEYOND 3 MILES FROM THE MEXICAN COAST.

4. REGARDING IATTC FLIGHT CLEARANCES: USCG HAS ROUTINELY REQUESTED CLEARANCE FOR OVERFLIGHT AND LANDING TO REFUEL AND/OR RON FOR PURPOSES OF IMPLEMENTATION OF INTER-AMERICAN TROPICAL TUNA CONVENTION FOR SEVERAL YEARS. NO DIFFICULTIES HAVE BEEN EXPERIENCED IN THE PAST. MEXICO AND US ARE BOTH SIGNATORY TO IATTC AND HAVE AGREED TO COOPERATION UNDER IT. OVERFLIGHT AND LANDING IS REQUIRED FOR REASONABLE IMPLEMENTATION OF RULES ON US FLAG TUNA VESSELS SINCE IMPLEMENTATION AREA IS SO FAR FROM US. FLIGHTS ARE MADE IN RESPONSE TO ESTIMATED POSITION INFORMATION FURNISHED BY US NAVY DIRECTION
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FINDING NET (DFN) AND SUCH DATA IS PERISHABLE. FLIGHTS, TO BE EFFECTIVE, SHOULD THEREFORE, BE MADE PROMPTLY ON RECEIPT OF USN DFN DATA INDICATING PRESENCE OF US TUNA BOATS IN CONVENTION EXCLUSION AREA. MOST VIOLATORS OFF MEXICAN COAST ARE AMERICAN FLAG VESSELS; HENCE, EFFECTIVE US IMPLEMENTATION WITH RESPECT TO US VESSELS BENEFITS MEXICO. GOM OFFICIALS CONCERNED WITH FISHERIES ARE AWARE OF PROCEDURE AND HAVE SUPPORTED IMPLEMENTATION

EFFORTS IN THE PAST. WHILE USCG WILL HONOR 72 HOURS NOTICE IF REQUIRED BY GOM, SOMETHING LESS THAN THAT OBVIOUSLY PERMITS MORE EFFECTIVE IMPLEMENTATION. OF COURSE, UNDER THE AGREEMENT THE USG HAS NO RIGHT TO, NOR DOES IT INTEND TO, IMPLEMENT IATTC RULES ON ANY BUT US VESSELS AND CITIZENS.

5. DEPARTMENT REMAINS UNCLEAR ON REASON FOR DENYING REQUEST FOR IATTC IMPLEMENTATION FLIGHT IN OCT. REF(A) INDICATES IT WAS DENIED PENDING AGREEMENT BETWEEN USG/GOM. REF(B) INDICATES GOM WAS UNCLEAR ON GOM OBLIGATIONS TO ENFORCE OR COOPERATE IN IMPLEMENTATION UNDER IATTC. SINCE AGREEMENT, WHICH DOES NOT ADDRESS IMPLEMENTATION PROCEDURE DIRECTLY, HAS BEEN IN FORCE SINCE 1964 AND HENCE NO PROBLEMS ON FLIGHT CLEARANCES HAVE ARISEN IN PAST, DEPT WONDERS IF DENIAL WAS BASED MAINLY ON PIQUE OVER DURABLE INCIDENT AND REINFORCED BY MEXSECDEF'S INCOMPLETE AWARENESS OF LONGSTANDING FISHERIES COOPERATION. IF T;IS IS SO, USG REGRETS ANY MISUNDERSTANDING WHICH MAY HAVE OCCURRED BUT HOPES GOM WILL CONTINUE TO PROVIDE COOPERATION ON SAR AND IATTC FLIGHTS THAT HAS CHARACTERIZED OUR RELATIONS IN THE PAST.

6. IN BROAD TERMS, USG SEES NO NEED FOR BILATERAL AGREEMENT WITH GOM ON OVERFLIGHT/LANDING. BOTH NATIONS ARE SIGNATORIES NOT ONLY TO IATTC BUT ALSO TO SEVERAL AGREEMENTS ON SAR AND RELATED MATTERS. ON THE OTHER HAND, WE WOULD BE PLEASED TO PREPARE A NOTE TO THE GOM WHICH WOULD DESCRIBE THE CHARACTER AND PURPOSE OF IATTC IMPLEMENTATION FLIGHTS, THE NEED FOR SPEEDY ACTION TO VERIFY REPORTS OF US VIOLATIONS OF IATTC AND THE USUAL ROUTES, TYPE OF AIRCRAFT, EQUIPMENT, ETC. WE WOULD ALSO MENTION THAT ARRANGEMENTS COULD BE MADE

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FOR GOM OBSERVERS ON USCG FLIGHTS. IN NO WAY SHOULD THESE FLIGHTS OR AIRCRAFT BE CONSTRUED AS QUOTE STATIONING OF A MILITARY AIRCRAFT OF A FOREIGN COUNTRY ON THEIR SOIL UNQUOTE AS NOTED IN REF(A), AND PERHAPS NOTE MIGHT CLEAR THIS UP.

7. REGARDING SAR OPERATIONS: USCG ADVISES RELATIONS OVER THE YEARS HAVE GENERALLY BEEN GOOD WITH RESPECT TO VESSEL AND AIRCRAFT CLEARANCES FOR SAR. USCG FULLY UNDERSTANDS GOM IS NOT ORGANIZED FOR SAR LIKE THE US AND, INEVITABLY, DELAYS MAY BE ENCOUNTERED, ESPECIALLY IN THE EVENINGS AND ON WEEKENDS. US OFFICIALS HAVE SUGGESTED IN PAST THAT MEXICO ADOPT SOME FORM OF 24-HOUR RESCUE COORDINATION CENTER APPROACH THROUGH WHICH INTERNATIONAL SAR MATTERS COULD BE HANDLED DIRECTLY.

HOWEVER, WE RECOGNIZE PERSONNEL, BUDGETARY AND LEGAL RESTRAINTS MAY MAKE THIS IMPOSSIBLE IN FORESEEABLE FUTURE.

8. DEPARTMENT AND USCG ARE AWARE OF DEMANDING TASKS AND LONG HOURS REQUIRED OF USDAO STAFF AND GREATLY APPRECIATE LONG RECORD OF EXCEPTIONAL EFFORT TO ASSIST USCG AND

OTHER MILITARY SERVICES WITH NECESSARY FLIGHT AND VESSEL CLEARANCES. USDAO AND EMBASSY COMMENTS ON ISSUES NOTED IN THIS CABLE WELCOME. PARTICULARLY DESIRE YOUR EVALUATION OF (A) DESIRABILITY OF NOTE TO EXPLAIN IATTC ISSUE, (B) LEVEL OF GENERAL GOM UNDERSTANDING OF IATTC/FISHERIES MATTERS, AND (C) MINIMUM CLEARANCE TIME FOR IATTC FLIGHTS.

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